IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1177 OF 2005

Paramjit Singh Dhanjal ...Petitioner

Versus

Mehta Steel House & Ors. ...Respondents

.....

Mr. Filji Federick, Advocate for Petitioner

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST JUNE, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case Nos.2700/S/2003, 2701/S/2003 and 2702/S/2003 which are pending in the Court of learned Additional Chief Metropolitan Magistrate, Girgaum, Mumbai. In the said case, process has been issued against the petitioner under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005 and order dated 13th June, 2005 passed in

Criminal Writ Petition No.213 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. At this stage, the learned advocate for the petitioner states that the matter is kept for evidence on 1.7.2005. He has prayed that the applicant may be protected two weeks thereafter during which period he will prefer necessary revision before the concerned Sessions Court. In the facts and circumstances of this case, the said prayer appears to be reasonable and hence the proceedings before the trial Court are stayed up to 15.7.2005.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal writ petition is disposed of.

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